

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

WALTER G. LENARD  
and RUSELL CHANEY

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:11-cv-120(DCB)(JMR)

STATE OF MISSISSIPPI, et al.

DEFENDANTS

ORDER

This cause is before the Court on the plaintiffs Walter G. Lenard and Russell Chaney's motion (**docket entry 17**) "to stay [the Court's] order to dismiss the State of Mississippi as a Defendant," which the Court construes as a motion for relief from Order pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

On September 18, 2012, this Court entered an Order finding that the State of Mississippi is not amenable to suit under 42 U.S.C. § 1983 because "a State is not a person within the meaning of § 1983," and the plaintiffs' claims against the State are barred by Eleventh Amendment immunity. The plaintiffs' motion merely reasserts claims against various public officials, and does not address the issue of whether the State of Mississippi is entitled to immunity from suit. The Court therefore finds that the plaintiffs' motion is without merit. Accordingly,

IT IS HEREBY ORDERED that the plaintiffs' motion (**docket entry 17**) "to stay [the Court's] order to dismiss the State of Mississippi as a Defendant," which the Court construes as a motion

for relief from Order pursuant to Rule 60(b), is DENIED.

SO ORDERED, this the 13th day of December, 2012.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE